

House File 702 - Introduced

HOUSE FILE 702
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 351)

A BILL FOR

1 An Act relating to the expungement of a deferred judgment upon
2 a person's discharge from probation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 907.9, subsection 4, paragraph b, Code
2 2019, is amended to read as follows:

3 b. Upon discharge from probation, if judgment has been
4 deferred under [section 907.3](#), the court's criminal record with
5 reference to the deferred judgment, any counts dismissed by the
6 court, which were contained in the indictment, information,
7 or complaint that resulted in the deferred judgment, and
8 any other related charges that were not contained in the
9 indictment, information, or complaint but were dismissed, shall
10 be expunged. However, the court's record shall not be expunged
11 until the person has paid the restitution, civil penalties,
12 court costs, fees, or other financial obligations ordered by
13 the court or assessed by the clerk of the district court in the
14 case that includes the deferred judgment. The expunged record
15 shall be sealed by the court and is a confidential record
16 exempt from public access under [section 22.7](#) but shall be made
17 available by the clerk of the district court, upon request and
18 without court order, to an agency or person granted access to
19 the deferred judgment docket under section 907.4, subsection
20 2. A court record expunged pursuant to this paragraph shall
21 not be released by the division of criminal investigation of
22 the department of public safety to any private party conducting
23 a criminal history background check. The court's record shall
24 not be expunged in any other circumstances unless authorized
25 by law.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill relates to the expungement of a deferred judgment
30 upon a person's discharge from probation.

31 Under current law, Code section 907.9 provides that
32 if a judgment in a criminal case has been deferred, any
33 counts dismissed by the court, which were contained in the
34 indictment, information, or complaint that resulted in the
35 deferred judgment, and any other related charges that were not

1 contained in the indictment, information, or complaint but
2 were dismissed, shall be expunged and the expunged record is a
3 confidential record but shall be made available by the clerk
4 of the district court, upon request and without court order,
5 to an agency or person granted access to the deferred judgment
6 docket.

7 The bill requires the expunged record to be sealed by the
8 court subject to the same confidentiality restrictions in
9 current law.

10 The bill provides that a court record expunged pursuant to
11 Code section 907.9 shall not be released by the division of
12 criminal investigation of the department of public safety to
13 any private party conducting a criminal history background
14 check.